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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

CARMELO MILLAN, individually, and on Behalf
of All Other Persons Similarly Situated,
Plaintiffs,

vs.

CITIGROUP, INC.,
CITIGROUP TECHNOLOGY, INC.

Defendants.

Civil Action No. 07-CIV-3769

Electronically Filed

**DEFENDANTS' NOTICE OF MOTION
AND MOTION TO STRIKE**

PLEASE TAKE NOTICE that Defendants Citigroup Inc. ("Citigroup") and Citigroup Technology, Inc. ("Defendants"), pursuant to Rule 702 of the Federal Rules of Evidence, and upon: (1) the accompanying Memorandum of Law in Support of Defendants' Motion to Strike; (2) the Affidavit of Sarah E. Pontoski, and the exhibits attached thereto, will move this Court, before the Honorable Alvin K. Hellerstein, in the United States District Court, at the United States Courthouse for the Southern District of New York, 500 Pearl Street, New York, New York, 10007, on a date and at a time to be designated by the Court, for an Order: (i) granting Defendants' motion to strike; and (ii) awarding Defendants all costs and attorneys' fees incurred in connection with the instant action and this motion.

MOTION

Plaintiff Carmelo Millan filed a declaration of Plaintiff's expert Peter Garza, in support of Plaintiff's opposition to Defendants' motion for summary judgment. Defendants move to strike the declaration of Peter Garza because for the reasons set forth in Defendants' Memorandum of Law in Support of Motion to Strike and exhibits attached to the Affidavit of Sarah E. Pontoski, the declaration is inadmissible pursuant to Federal Rule of Evidence 702.

Dated: April 1, 2008
New York, New York

By: /s/ Sarah E. Bouchard
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